

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

<b>CITY OF HUNTINGTON; CABELL COUNTY COMMISSION,</b>	:	
	:	
Plaintiffs,	:	<b>Civil Action No. 3:17-01362</b>
	:	<b>Civil Action No. 3:17-01665</b>
	:	<i>(Consolidated)</i>
v.	:	
	:	
<b>AMERISOURCEBERGEN DRUG CORPORATION, <i>et al.</i>,</b>	:	
	:	
Defendants.	:	
	:	

**PROACT, INC.’S NOTICE OF JOINDER IN CABELL HUNTINGTON HOSPITAL  
AND ST. MARY’S MEDICAL CENTER’S JOINT RESPONSE TO DEFENDANTS’  
MOTION TO COMPEL THIRD-PARTY DISCOVERY AND RIGHT TO RENEW  
MOTION TO QUASH**

PLEASE TAKE NOTICE that PROACT, Inc. (“PROACT”) joins in Cabell Huntington Hospital and St. Mary’s Medical Center’s (the “Hospitals”) *Joint Response to Defendants’ Motion to Compel Third-Party Discovery*.

On May 27, 2020, Cabell Huntington Hospital and St. Mary’s Medical Center filed a *Joint Response to Defendants’ Motion to Compel Third-Party Discovery* (“*Hospitals’ Joint Response*”), in order to preserve their rights to seek relief from the Court in the event that negotiations regarding their responses to Defendants’ subpoena ultimately fail. PROACT is likewise in the process of responding to its own subpoena (the “PROACT Subpoena”) and is in active negotiations with the Defendants. Given that the *Hospitals’ Joint Response* contains arguments and asserts privileges that are of common interest to PROACT, in the interest of judicial economy, PROACT hereby joins in the *Hospitals’ Joint Response*.

PROACT notes that the subpoena at issue was issued by Defendants on or about March 31, 2020. PROACT received the Subpoena on April 7, 2020. The initial production date was set for April 16, 2020. PROACT had no prior knowledge of the subpoena. It contained fourteen (14) defined terms, fifteen (15) instructions, and twenty-five (25) areas of production. The temporal scope was defined as 1996 to present.<sup>1</sup> The Defendants have agreed to extend the ‘command production’ date. PROACT has also begun compiling potentially responsive information, and has produced an initial set of documents, but complete production has yet to occur.

For the foregoing reasons, PROACT hereby submits this Notice of Joinder in Cabell Huntington Hospital and St. Mary’s Medical Center’s *Joint Response to Defendants’ Motion to Compel Third-Party Discovery*, and adopts all objections, privileges, and other arguments contained therein by reference.

Respectfully submitted,

**PROACT, INC.**

/s/ John H. Zickefoose  
Of Counsel

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<sup>1</sup> PROACT did not exist prior to November of 2017.

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<b>AMERISOURCEBERGEN DRUG CORPORATION, <i>et al.</i>,</b>	:	
	:	
Defendants.	:	
	:	

**CERTIFICATE OF SERVICE**

The undersigned, counsel for PROACT, Inc. does hereby certify that the foregoing **“Notice of Joinder in Cabell Huntington Hospital and St. Mary’s Medical Center’s Joint Response to Defendant’s Motion to Compel Third-Party Discovery and Right to Renew Motion to Quash”** has this 27th day of May, been duly served upon counsel of record by electronic transmission.

**PROACT, INC.**

/s/ John H. Zickefoose  
Of Counsel

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